(67)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.5603 of 2005

PETITIONER : Gayadeen
Aged 34 yrs. S/o Shri Heera Sai
R/o Gram : Ujiyarpur
Tah : Manendragarh
Distt. Korea CG

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through : The Secretary to the Govt. of CG. Panchayat Department D.K.S. Bhawan : Mantralaya Raipur CG
2. The Collector
Distt – Korea CG
3. Sanju Tiwari
s/o Shri Aniruddh Tiwari
r/o Gram : Ujiyarpur
Tah : Manendragarh
Distt: Korea CG

Present: Shri Anurag Dayal Shrivastava, learned counsel for the petitioner.

Shri Vinay Harit, learned Dy.A.G. for the State.
Shri B.L. Dembra, learned counsel for the respondent No.3.

ORAL ORDER
(Passed on 10th August, 2006)

The impugned order has to be interfered with on a short ground. Admittedly, the Collector before passing the impugned adverse order against the writ petitioner on the basis of the adverse reports secured by him from the Station House Officer, Manendragarh as well as the Headmaster he did not disclose those adverse materials/reports to the petitioner to have his say in the matter. It is well settled that affected should be appraised is a constitutional creed flowing from Article 14 and the principles of natural justice. That cardinal rule has been breached by the Collector in the instant case. On that short ground, the writ petition is

allowed and the impugned order is set aside. The proceedings shall stand remitted to the Collector with a direction to furnish copies of the adverse reports secured by him from the Station House Officer as well as Headmaster to the petitioner and give him an opportunity to have his say in the matter and pass appropriate order in accordance with law and on merit. No costs.

Sd/-
Chief Justice